

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SCOTT M. EPSTEIN

03 CV 12297 RWZ

Plaintiff,

v.

MAGISTRATE JUDGE Alexander CIVIL ACTION NO.C.R. BARD, INC.,
FUTUREMED INTERVENTIONAL, INC., and
CROSSBOW VENTURES, INC.

Defendants.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441 et seq., defendants C.R. Bard, Inc., Futuremed

Interventional, Inc. and Crossbow Ventures, Inc. file this Notice of Removal and state:

1. Defendants are parties in an action commenced against them by the plaintiff pending in the Superior Court Department of the Trial Court of the Commonwealth of Massachusetts for Suffolk County, captioned Scott M. Epstein v. C.R. Bard, Inc., Futuremed Interventional, Inc. & Crossbow Ventures, Inc., Civil Action No. 03-4869. True copies of all process, pleadings and orders served on the defendants in the state action are attached as Exhibit A.
2. In his complaint, plaintiff alleges that he is an individual residing in Boston, Massachusetts.
3. Defendant C.R. Bard, Inc. is a New Jersey corporation with its principal place of business in Murray Hill, New Jersey.

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AMOUNT \$ 150 5/17/03
 SUMMONS ISSUED YES
 LOCAL RULE 4.1 YES
 WAIVER FORM YES
 MCF ISSUED YES
 BY DPTY. CLK. F.O.M.
11/18/03

4. Defendant Futuremed Interventional, Inc. is a Texas corporation with its principal place of business in Athens, Texas.

5. Defendant Crossbow Ventures Inc. is a Florida corporation with its principal place of business in West Palm Beach, Florida.

6. There is, therefore, complete diversity of citizenship, and no defendant is a citizen of the state in which the action was brought.

7. Based on the allegations in the Complaint, the Plaintiff appears to allege that the amount in controversy exceeds \$75,000.


8. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332.

9. Defendants were served with the Complaint in this matter less than 30 days ago. Consequently this notice is timely under 28 U.S.C. § 1446(b).


10. Defendants may therefore remove this case from state to federal court pursuant to 28 U.S.C. § 1441(a).

11. A copy of this Notice of Removal is being provided to Plaintiff, and is being filed with the clerk of the Massachusetts Superior Court in which this case was originally filed.

C.R. BARD, INC.
By its attorney


Andrew Good, BBO # 201240
GOOD & CORMIER
83 Atlantic Avenue
Boston, Massachusetts 02110
(617) 523-5933

FUTUREMED INTERVENTIONAL, INC.
By its attorney


Michael Albert, BBO # 558566
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, MA 02210
(617) 720-3500

CROSSBOW VENTURES, INC.

By its attorneys

A handwritten signature in black ink, appearing to read 'Michael Albert', is written over a horizontal line.

Michael Albert, BBO # 558566 (local counsel)

Daniel A. Wuersch (awaiting admission pro hac vice)

Samuel D. Levy (awaiting admission pro hac vice)

WUERSCHE & GERING, LLP

11 Hanover Square, 19th Floor

New York, NY 10005

(212) 509-5050

Dated: November 17, 2003

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Notice of Removal was served upon all attorneys of record on November 17, 2003 by first-class mail:

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Andrew Good